

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
WAYCROSS DIVISION

FILED  
U.S. DISTRICT COURT  
S.D. OF GA.

2011 MAY 27 PM 3:48

CLERK *B. West*  
SO. DIST. OF GA.

FRANKLIN L. WILLIAMS,

Petitioner,

v.

REBBECA TAMEZ,

Respondent.

CIVIL ACTION NO.: CV511-018

**ORDER**

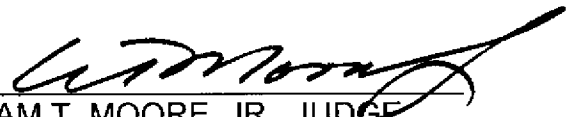
Petitioner filed a Motion for Reconsideration of the Honorable Lisa Godbey Wood's March 30, 2011, Order reassigning this case to the undersigned for plenary disposition. Judge Wood was serving as the United States Attorney for the Southern District of Georgia when Petitioner was indicted in Case Number CR506-14, the criminal prosecution underlying Petitioner's claims in this case. To have Judge Wood preside over this case would present a conflict of interest. Petitioner's Motion for Reconsideration is **DENIED**.

Petitioner also filed Objections to the Magistrate Judge's Report and Recommendation. In his Objections, Petitioner raises the same contentions as he has in his previously-filed 28 U.S.C. § 2241 petition attacking the conviction he obtained in this Court in Case Number CR506-14, as well as in his 28 U.S.C. § 2255 motions attacking this same conviction. To the extent Petitioner asserts that his appellate counsel was ineffective, Petitioner raised this same argument in Case Number CV509-

104. Petitioner's motion in that case was dismissed, as his motion was a successive section 2255 motion. Petitioner's assertions in that regard in this case likewise would be barred, even if the Court were to construe his petition as being brought pursuant to § 2255.

The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Petitioner's petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241, is **DISMISSED**. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 27<sup>th</sup> day of May, 2011.

  
WILLIAM T. MOORE, JR., JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA